



Fac/Perm/Co ID #	Date	Doc ID#
44-07	12/15/08	6449

December 10, 2008

Mr. Allen Gaither
Solid Waste Permitting Section
Division of Waste Management
North Carolina Department of Environment and Natural Resources
2090 U.S. Highway 70
Swannanoa, North Carolina 28778

RE: MSW Phases 3 & 4
Permit to Construct
Corps of Engineers Permit Information
White Oak MSW Landfill
Haywood County, North Carolina
Permit # 44-07

Dear Mr. Gaither:

Please find enclosed the US Army Corps of Engineers and the North Carolina Department of Environment and Natural Resources, Division of Water Quality 404 and 401 permits for the wetlands and stream impacts associated with the development of MSW Phases 3 & 4. Included are two hard copies of the permits and a CD with a digital file of the permits. Also included in this submittal is information pertaining to the acceptance of the project into the North Carolina Ecosystem Enhancement Program. Please insert this information into Section 12 of the Permit to Construct package.

We look forward to continuing to work with you to finalize the Permit to Construct for this project. Please feel free to contact me if you have any questions regarding this submittal or if you require additional information.

Sincerely,
McGILL ASSOCIATES, P.A.

DAVE PASKO
Senior Engineering Technician

RECEIVED

DEC 12 2008

Enclosures

**SOLID WASTE SECTION
ASHEVILLE REGIONAL OFFICE**

cc: Stephen King, Haywood County Director of Solid Waste, w/o enc
David Cotton, Haywood County Manager, w/o enc

075184letters/ag12dec08-Corps-Permit-Info.doc

E n g i n e e r i n g • P l a n n i n g • F i n a n c e

McGill Associates, P.A. • P.O. Box 2259, Asheville, NC 28802 • 55 Broad Street, Asheville, NC 28801

828-252-0575 • Fax: 828-252-2518

U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

Action ID. 2008-02370

County: Haywood

CEC Project # 543
Date Recieved 11-15-08

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Property Owner / Authorized Agent: Haywood County, Attn: Mr. Mark Shumpert

Address: 1233 North Main Street, Box 2

Waynesville, NC 28786

Telephone No.: (828) 356-2114

Size and location of property (water body, road name/number, town, etc.): The project is located on the White Oak Landfill near Fines Creek in Haywood County, North Carolina. Coordinates for the site are 35.6655 north and 83.0024 west.

Description of projects area and activity: The permittee is authorized to fill 0.45 acre of wetland and fill (culvert) 185 linear feet of an unnamed tributary to the Pigeon River in order to expand a disposal area.

Applicable Law: ☒ Section 404 (Clean Water Act, 33 USC 1344)
☐ Section 10 (Rivers and Harbors Act, 33 USC 403)

Authorization: Regional General Permit Number:
Nationwide Permit Number: 39

Your work is authorized by the above referenced permit provided it is accomplished in strict accordance with the attached conditions, the conditions in the attached letter from the North Carolina Wildlife Resources Commission, your submitted plans, and the following special condition:

1. You shall mitigate for the unavoidable impacts to waters of the U.S. as follows: 0.45 acre of wetland fill (1:1) and 185 linear feet stream fill (1:1) associated with this project by payment to the North Carolina Ecosystem Enhancement Program (NCEEP) in the amount necessary to perform restoration to 0.45 acre of riparian wetland and 185 linear feet of cold stream in the French Broad River Basin (Cataloging Unit 06010106). Construction within jurisdictional areas on the property shall begin only after the permittee has made full payment with certified check to the NCEEP, and the NCEEP has made written confirmation to the District Engineer, that it agrees to accept responsibility for the mitigation work required, pursuant to Paragraph IV.D. of the Memorandum of Understanding between the North Carolina Department of Environment and Natural Resources and the U.S. Army Corps of Engineers, Wilmington District, dated November 4, 1998.

Any violation of the attached conditions or deviation from your submitted plans may subject the permittee to a stop work order, a restoration order and/or appropriate legal action.

This verification will remain valid until the expiration date identified below unless the nationwide authorization is modified, suspended or revoked. If, prior to the expiration date identified below, the nationwide permit authorization is reissued and/or modified, this verification will remain valid until the expiration date identified below, provided it complies with all requirements of the modified nationwide permit. If the nationwide permit authorization expires or is suspended, revoked, or is modified, such that the activity would no longer comply with the terms and conditions of the nationwide permit, activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon the nationwide permit, will remain authorized provided the activity is completed within twelve months of the date of the nationwide permit's expiration, modification or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend or revoke the authorization.

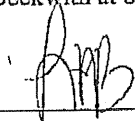
Activities subject to Section 404 (as indicated above) may also require an individual Section 401 Water Quality Certification. You should contact the NC Division of Water Quality (telephone (919) 733-1786) to determine Section 401 requirements.

For activities occurring within the twenty coastal counties subject to regulation under the Coastal Area Management Act (CAMA), prior to beginning work you must contact the N.C. Division of Coastal Management.

This Department of the Army verification does not relieve the permittee of the responsibility to obtain any other required Federal, State or local approvals/permits.

If there are any questions regarding this verification, any of the conditions of the Permit, or the Corps of Engineers regulatory program, please contact Lori Beckwith at 828-271-7980.

Corps Regulatory Official: Lori Beckwith



Date: November 12, 2008

Expiration Date of Verification: November 12, 2010

Determination of Jurisdiction:

- A. ☐ Based on preliminary information, there appear to be waters of the US including wetlands within the above described project area. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331).
- B. ☐ There are Navigable Waters of the United States within the above described project area subject to the permit requirements of Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- C. ☒ There are waters of the US and/or wetlands within the above described project area subject to the permit requirements of Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- D. ☐ The jurisdictional areas within the above described project area have been identified under a previous action. Please reference jurisdictional determination issued ___. Action ID

Basis of Jurisdictional Determination: The site contains a wetland as determined by the USACE 1987 Wetland Delineation Manual and it abuts a stream channel that exhibits an ordinary high water mark. The stream channel on the property is an unnamed tributary to the Pigeon River which flows into the French Broad River. The French Broad River is a Section 10 water.

Appeals Information: (This information does not apply to preliminary determinations as indicated by paragraph A. above).

Attached to this verification is an approved jurisdictional determination. If you are not in agreement with that approved jurisdictional determination, you can make an administrative appeal under 33 CFR 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and request for appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

District Engineer, Wilmington Regulatory Program
Attn: Lori Beckwith, Project Manager
151 Patton Avenue, Room 208
Asheville, North Carolina 28801

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address within 60 days from the *Issue Date* below.

****It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.****

Corps Regulatory Official: Lori Beckwith

Issue Date: November 10, 2008

Expiration Date: Five years from *Issue Date*

SURVEY PLATS, FIELD SKETCH, WETLAND DELINEATION FORMS, PROJECT PLANS, ETC.,
MUST BE ATTACHED TO THE FILE COPY OF THIS FORM, IF REQUIRED OR AVAILABLE.

Copy Furnished: ClearWater Environmental Consultants, Inc., Attn: Ms. Rebekah Newton, 718 Oakland Street, Hendersonville, NC 28791

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please visit <http://regulatory.usacesurvey.com/> to complete the survey online.

Permit Number: 2008-02370
Permit Type: NW39
Name of County: Haywood
Name of Permittee: Haywood County, Attn: Mr. Mark Shumpert
Date of Issuance: November 12, 2008
Project Manager: Lori Beckwith

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers
Attention: CESAW-RG-A
151 Patton Avenue, Room 208
Asheville, North Carolina 28801-5006

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Haywood County, Attn: Mr. Mark Shumpert		File Number: 2008-02370	Date: November 12, 2008
Attached is:		See Section below	
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
<input type="checkbox"/>	PERMIT DENIAL	C	
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D	
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I- The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/ncr/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION

If you have questions regarding this decision and/or the appeal process you may contact:

Lori Beckwith, Project Manager
USACE, Asheville Regulatory Field Office
151 Patton Ave, Room 208
Asheville, NC 28806
828-271-7980

If you only have questions regarding the appeal process you may also contact:

Mr. Michael F. Bell,
Administrative Appeal Review Officer
CESAD-ET-CO-R
U.S. Army Corps of Engineers, South Atlantic Division
60 Forsyth Street, Room 9M15
Atlanta, Georgia 30303-8801

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

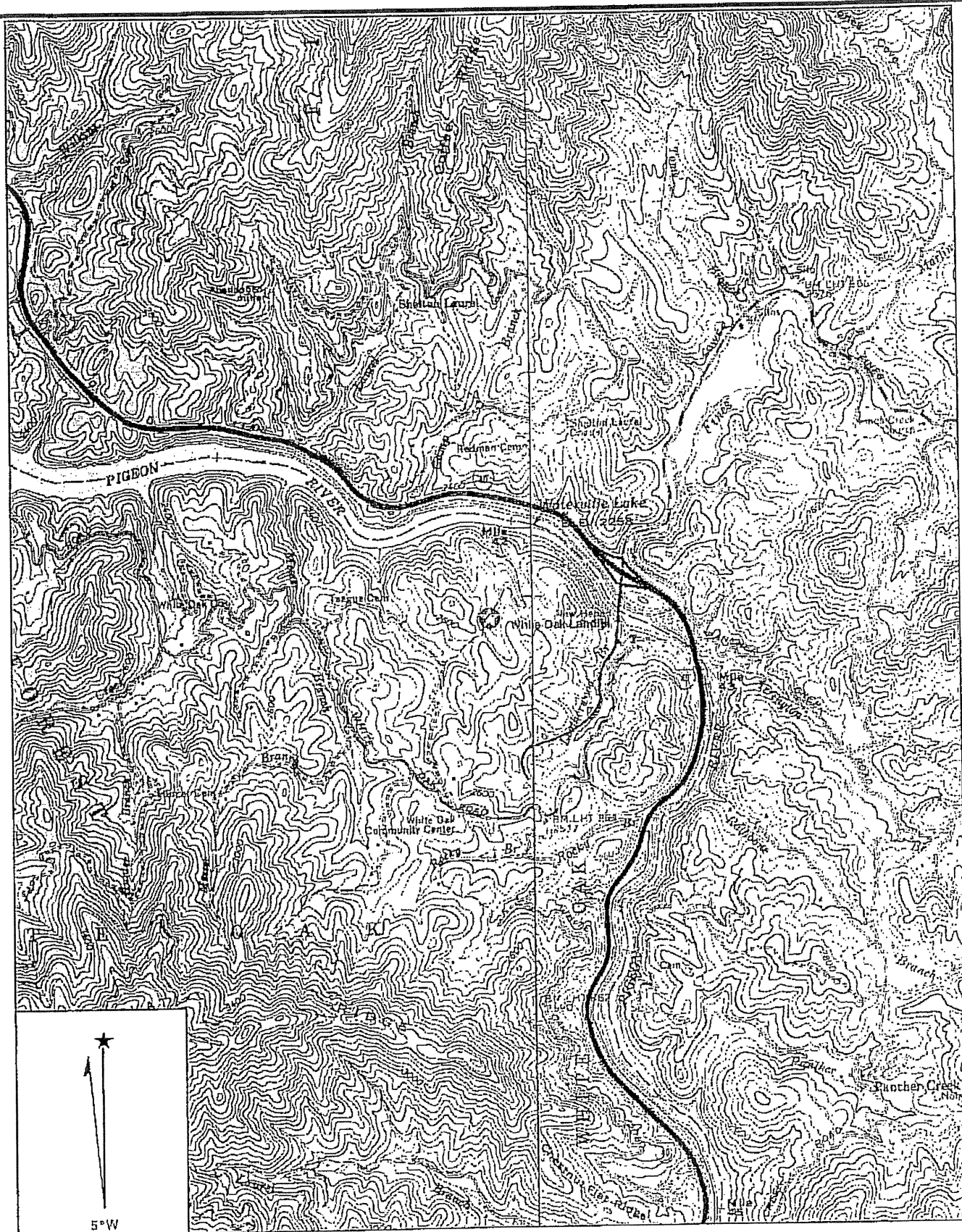
Signature of appellant or agent.	Date:	Telephone number:
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For appeals on Initial Proffered Permits and approved Jurisdictional Determinations send this form to:

District Engineer, Wilmington Regulatory Division, Attn:Lori Beckwith, Project Manager, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, NC 28801.

For Permit denials and Proffered Permits send this form to:

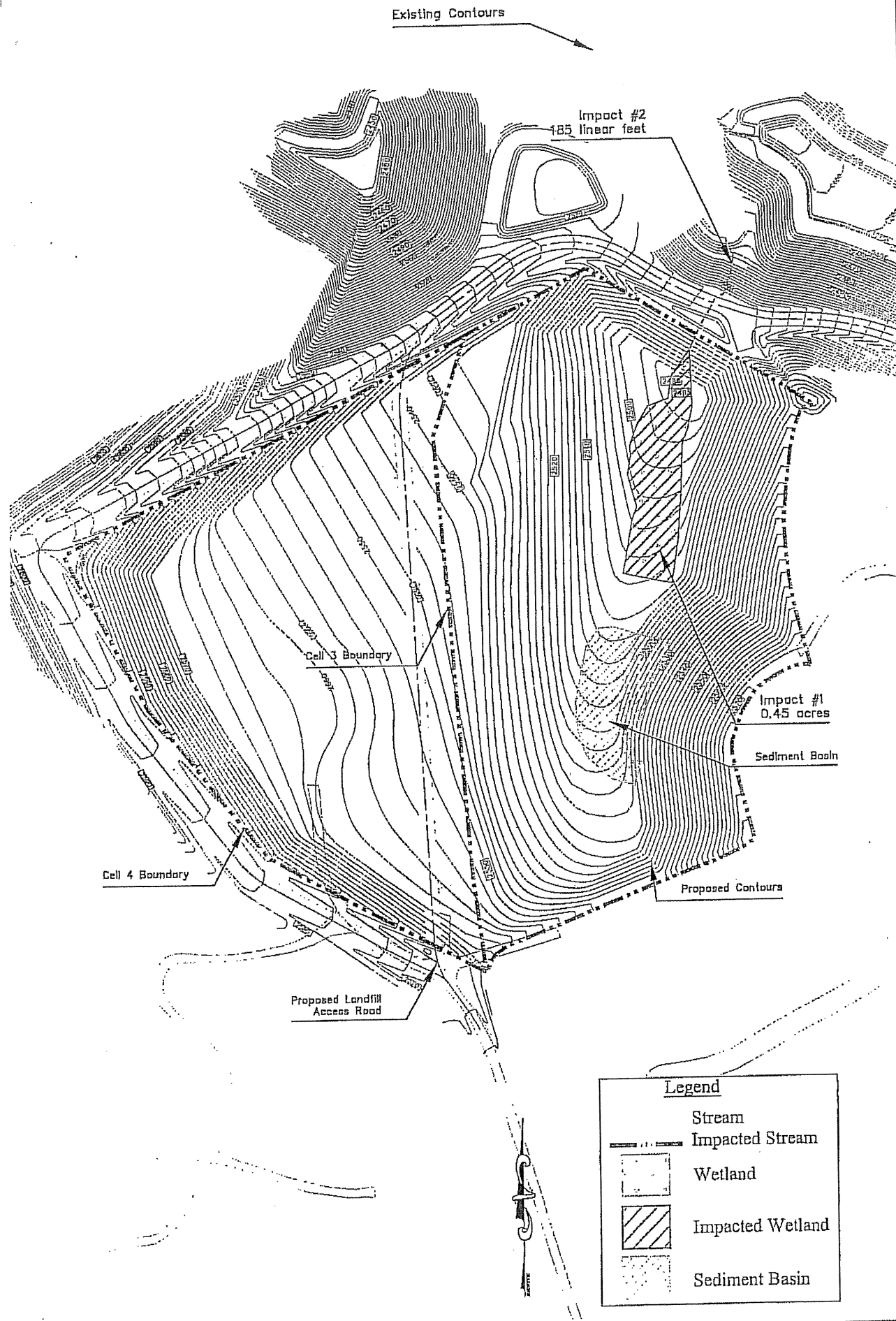
Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: Mr. Mike Bell, Administrative Appeal Officer, CESAD-ET-CO-R, 60 Forsyth Street, Room 9M15, Atlanta, Georgia 30303-8801



White Oak Landfill
Haywood County,
North Carolina

CLEARWATER
Environmental Consultants, Inc.
718 Oakland Street
Hendersonville, NC 28791
828-698-9800

USGS Topographic Map
Cove Creek Gap Quad
Figure 2





Michael F. Easley, Governor

William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Coleen H. Sullins, Director
Division of Water Quality

September 26, 2008

DWQ Project # 98-1070, Ver. 2
Haywood County

Mr. Mark Shumpert
Haywood County
1233 North Main Street, Box 2
Waynesville, NC 28786

Date Received - 10-1-08
CEC Project # 543

Subject Property: **White Oak Landfill**
Ut to Pigeon River [040305, 5-7, C]

Approval of 401 Water Quality Certification with Additional Conditions

Dear Mr. Shumpert:

You have our approval, in accordance with the attached conditions and those listed below, to place fill within or otherwise impact 0.45 acres of 404/wetland and 185 linear feet of perennial stream, as described in your application dated August 15, 2008 and received by the Division of Water Quality (DWQ) on August 18, 2008, with additional information received August 25, 2008, to construct the proposed landfill expansion at the site. After reviewing your application, we have decided that the impacts are covered by General Water Quality Certification Number(s) 3705 (GC3705). The Certification(s) allows you to use Nationwide Permit(s) NW39 when issued by the US Army Corps of Engineers (USACE). In addition, you should obtain or otherwise comply with any other required federal, state or local permits before you go ahead with your project including (but not limited to) Erosion and Sediment Control, and Non-discharge regulations. **Also, this approval to proceed with your proposed impacts or to conduct impacts to waters as depicted in your application shall expire upon expiration of the 404 or CAMA Permit.**

This approval is for the purpose and design that you described in your application. If you change your project, you must notify us and you may be required to send us a new application. If the property is sold, the new owner must be given a copy of this Certification and approval letter and is thereby responsible for complying with all conditions. If total fills for this project (now or in the future) exceed one acre of wetland or 150 linear feet of stream, compensatory mitigation may be required as described in 15A NCAC 2H .0506 (h). **This approval requires you to follow the conditions listed in the attached certification and any additional conditions listed below.**

The Additional Conditions of the Certification are:

1. Impacts Approved

The following impacts are hereby approved as long as all of the other specific and general conditions of this Certification (or Isolated Wetland Permit) are met. No other impacts are approved including incidental impacts:

Type of Impact	Amount Approved (Units)	Reference
404/Wetlands	0.45 (acres)	PCN page 4 of 9
Stream - perennial	185 (linear feet)	PCN page 4 of 9

2. No Waste, Spoil, Solids, or Fill of Any Kind

No waste, spoil, solids, or fill of any kind shall occur in wetlands, waters, or riparian areas beyond the footprint of the impacts depicted in the Pre-Construction Notification. All construction activities, including the design, installation, operation, and maintenance of sediment and erosion control Best Management Practices, shall be performed so that no violations of state water quality standards, statutes, or rules occur.

3. Erosion and sediment control practices must be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to protect surface waters standards:

- a. The erosion and sediment control measures for the project must be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Sediment and Erosion Control Planning and Design Manual*.
- b. The design, installation, operation, and maintenance of the sediment and erosion control measures must be such that they equal, or exceed, the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*. The devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) projects, including contractor-owned or leased borrow pits associated with the project.
- c. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.

4. Sediment and Erosion Control Measures

Sediment and erosion control measures shall not be placed in wetlands or waters without prior approval from the Division. If placement of sediment and erosion control devices in wetlands and waters is unavoidable, design and placement of temporary erosion control measures shall not be conducted in a manner that may result in dis-equilibrium of wetlands or stream beds or banks, adjacent to or upstream and down stream of the above structures. All sediment and erosion control devices shall be removed and the natural grade restored within two (2) months of the date that the Division of Land Resources or locally delegated program has released the project.

5. Construction Stormwater Permit NCG010000

Upon the approval of an Erosion and Sedimentation Control Plan issued by the Division of Land Resources (DLR) or a DLR delegated local erosion and sedimentation control program, an NPDES General stormwater permit (NCG010000) administered by DWQ is automatically issued to the project. This General Permit allows stormwater to be discharged during land disturbing construction activities as stipulated by conditions in the permit. If your project is covered by this permit [applicable to construction projects that disturb one (1) or more acres], full compliance with permit conditions including the sedimentation control plan, self-monitoring, record keeping and reporting requirements are required. A copy of this permit and monitoring report forms may be found at http://h2o.enr.state.nc.us/sw/Forms_Documents.htm.

Deed Notifications

Deed notifications or similar mechanisms shall be placed on all retained jurisdictional wetlands, waters and protective buffers in order to assure compliance for future wetland, water and buffer impact. These mechanisms shall be put in place at the time lots or properties are recorded. A sample deed notification can be downloaded from the 401/Wetlands Unit web site at

http://h2o.enr.state.nc.us/newetlands/documents/wet_buf_compl.pdf. The text of the sample deed notification may be modified as appropriate to suit to this project.

Mitigation:

7. Compensatory Mitigation Using the Ecosystem Enhancement Program (EEP)

Mitigation must be provided for the proposed impacts as specified in the table below. We understand that you wish to make a payment to the Wetlands Restoration Fund administered by the NC Ecosystem Enhancement Program (EEP) to meet this mitigation requirement. This has been determined by the DWQ to be a suitable method to meet the mitigation requirement. Until the EEP receives and clears your check (made payable to: DENR – Ecosystem Enhancement Program Office), no impacts specified in this Authorization Certificate shall occur. The EEP should be contacted at (919) 733-5205 if you have any questions concerning payment into a restoration fund. You have *60 calendar days* from the date of this approval to make this payment. **For accounting purposes, this Authorization Certificate authorizes payment into the Wetlands Restoration Fund to meet the following compensatory mitigation requirement:**

Type of Impact	Compensatory Mitigation Required	River and Sub-basin Number
Stream (perennial)	185 (square feet)	French Broad/06010106

8. Protective Fencing

The outside buffer, wetland or water boundary and along the construction corridor within these boundaries approved under this authorization shall be clearly marked with orange warning fencing (or similar high visibility material) for the areas that have been approved to infringe within the buffer, wetland or water prior to any land disturbing;

9. Certificate of Completion

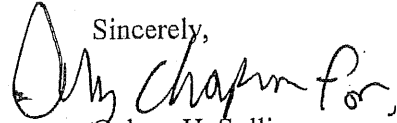
Upon completion of all work approved within the 401 Water Quality Certification or applicable Buffer Rules, and any subsequent modifications, the applicant is required to return the attached certificate of completion to the 401 Oversight/Express Review Permitting Unit, North Carolina Division of Water Quality, 1650 Mail Service Center, Raleigh, NC, 27699-1650.

Violations of any condition herein set forth may result in revocation of this Certification and may result in criminal and/or civil penalties. The authorization to proceed with your proposed impacts or to conduct impacts to waters as depicted in your application and as authorized by this Certification, shall expire upon expiration of the 404 or CAMA Permit.

If you do not accept any of the conditions of this Certification (associated with the approved wetland or stream impacts), you may ask for an adjudicatory hearing. You must act within 60 days of the date that you receive this letter. To ask for a hearing, send a written petition, which conforms to Chapter 150B of the North Carolina General Statutes to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714. This certification and its conditions are final and binding unless you ask for a hearing.

Any disputes over determinations regarding this Authorization Certificate (associated with the approved buffer impacts) shall be referred in writing to the Director for a decision. The Director's decision is subject to review as provided in Articles 3 and 4 of G.S. 150B.

This letter completes the review of the Division of Water Quality under Section 401 of the Clean Water Act. If you have any questions, please telephone Cyndi Karoly or Ian McMillan at 919-733-1786.

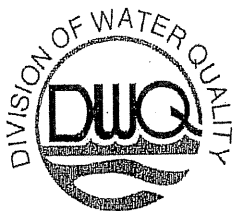
Sincerely,

Coleen H. Sullins

CHS/ijm

Enclosures: GC3705
Certificate of Completion

cc: USACE Asheville Regulatory Field Office
Kevin Barnett, DWQ Asheville Regional Office
DLR Asheville Regional Office
File Copy
Matt Matthews, DWQ Branch Manager
Clement Riddle, CEC, 718 Oakland Street, Hendersonville, NC 28791

Filename: 981070Ver2WhiteOakLandfill(Haywood)401



Michael F. Easley, Governor

William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Coleen H. Sullins, Director
Division of Water Quality

North Carolina Division of Water Quality
401 Water Quality Certification
Summary of Permitted Impacts and Mitigation Requirements

In accordance with 15A NCAC 2H.0500, Mr. Mark Shumpert and Haywood County, have permission as outlined below to fill or otherwise impact 0.45 acres of 404/wetland and 185 linear feet of perennial stream to construct the landfill expansion at the site, which is in Fines Creek, Haywood County, North Carolina. All activities associated with these authorized impacts must be conducted with the conditions listed in the attached Permit transmittal letter. THIS CERTIFICATION IS NOT VALID WITHOUT THE ATTACHMENTS.

COMPENSATORY MITIGATION REQUIREMENTS, ECOSYSTEM ENHANCEMENT PROGRAM

NC EEP NAME White Oak Landfill
DWQ PROJECT #: 19981070, Ver. 2
LOCATION: Fines Creek
COUNTY Haywood
BASIN/ SUB BASIN French Broad/06010106

As required by 15A NCAC 2H.0500, and the conditions of this Certification, you are required to compensate for the above mitigable impacts through the restoration, creation, enhancement or preservation of wetlands, surface waters and riparian buffers as outlined below prior to conducting any activities that impact or degrade the waters of the state.

Note: Acreage requirements proposed to be mitigated through the Ecosystem Enhancement Program must be rounded to one-quarter acre increments and linear foot requirements must be rounded up to the nearest foot according to 15 2R.0503(b).

Impacts	Mitigation
185 Linear Feet Of Perennial Stream	185 Linear Feet Of Perennial Stream

One of the options you have available to satisfy the compensatory mitigation requirement is through the payment of a fee to the Wetlands Restoration Fund per NCAC 2R.0503. If you choose this option, please sign this form and mail the form along with a copy of your 401 Certification or Buffer Approval to the Ecosystem Enhancement Program at the address below. An invoice for the appropriate amount of payment will be sent to you upon receipt of this form. PLEASE NOTE, THE ABOVE IMPACTS ARE NOT AUTHORIZED UNTIL YOU RECEIVE NOTIFICATION THAT YOUR PAYMENT HAS BEEN PROCESSED BY THE ECOSYSTEM ENHANCEMENT PROGRAM.

Signature _____

Date _____

ECOSYSTEM ENHANCEMENT PROGRAM
1652 Mail Service Center
RALEIGH, N.C. 27699-1652
(919) 733-5205

Filename: 981070Ver2WhiteOakLandfill(Haywood)401_EEP



August 7, 2008

Mark Shumpert
Haywood County
1233 N. Main St. Box 2
Waynesville, NC 28786

Expiration of Acceptance: February 7, 2009

Project: White Oak Landfill

County: Haywood

The purpose of this letter is to notify you that the North Carolina Ecosystem Enhancement Program (NCEEP) is willing to accept payment for impacts associated with the above referenced project. Please note that this decision does not assure that the payment will be approved by the permit issuing agencies as mitigation for project impacts. It is the responsibility of the applicant to contact these agencies to determine if payment to the NCEEP will be approved.

This acceptance is valid for six months from the date of this letter and is not transferable. **If we have not received a copy of the issued 404 Permit/401 Certification/CAMA permit within this time frame, this acceptance will expire.** It is the applicant's responsibility to send copies of the permits to NCEEP. Once NCEEP receives a copy of the permit(s) an invoice will be issued based on the required mitigation in that permit and payment must be made prior to conducting the authorized work. The amount of the In Lieu Fee to be paid to NCEEP by an applicant is calculated based upon the Fee Schedule and policies listed at www.nceep.net.

Based on the information supplied by you the impacts that may require compensatory mitigation are summarized in the following table.

	River Basin	CU Location	Stream (feet)			Wetlands (acres)			Buffer I (Sq. Ft.)	Buffer II (Sq. Ft.)
			Cold	Cool	Warm	Riparian	Non-Riparian	Coastal Marsh		
Impacts	French Broad	06010106	185	0	0	.45	0	0	0	0
Credits	French Broad	06010106	370	0	0	0.9	0	0	0	0

Upon receipt of payment, EEP will take responsibility for providing the compensatory mitigation. If the regulatory agencies require mitigation credits greater than indicated above, and the applicant wants NCEEP to be responsible for the additional mitigation, the applicant will need to submit a mitigation request to NCEEP for approval prior to permit issuance. The mitigation will be performed in accordance with the Memorandum of Understanding between the N. C. Department of Environment and Natural Resources and the U. S. Army Corps of Engineers dated November 4, 1998.

If you have any questions or need additional information, please contact Valerie Mitchener at (919) 715-1973.

Sincerely,

William D. Gilmore, PE
Director

cc: Cyndi Karoly, NCDWQ Wetlands/401 Unit
Lori Beckwith, USACE-Asheville
Kevin Barnett, NCDWQ-Asheville
Rebekah Newton, agent
File

Restoring... Enhancing... Protecting Our State





INVOICE

November 25, 2008

Mark Shumpert
Haywood County
1233 North Main Street, Box 2
Waynesville, NC 28786

Project: White Oak Landfill
County: Haywood
DWQ#: 98-1070
COE#: 2008-02370
EEP #: ILF-2008-6079
Location: French Broad 06010106

invoice expires: January 25, 2009

You have elected to satisfy the compensatory mitigation requirements of the Section 401/404/CAMA permit(s) issued for the above referenced project through payment of a fee to the North Carolina Ecosystem Enhancement Program (NCEEP). In accordance with 15A NCAC 2H.0500, the amount you owe is based upon the 2008-09 Fee Schedule and has been calculated as follows (Please note: payment for wetlands is calculated in increments of 0.25 acres). If you have any questions concerning this payment, please call Kelly Williams at (919) 716-1921.

Habitat Type	Invoiced Amount		Fee Schedule		Cost
Riparian Wetlands	0.50 acres	x	\$ 59,600.00	=	\$29,800.00
Stream	185 linear feet	x	\$ 323.00	=	\$59,755.00

TOTAL AMOUNT DUE if paid within 60 days **\$89,555.00**

If payment is not received within 60 days of the date of this invoice, it will expire. Note that your permit(s) may require payment before this date. Subsequent invoices will be based on the fee schedule in effect on the date they are issued. Please send a check payable to NCEEP for the Total Amount Due to the appropriate address below and enclose a copy of this invoice.

US Mail:
NCDENR Ecosystem Enhancement Program
1652 Mail Service Center
Raleigh, NC 27699-1652

Physical Address (for other delivery services):
NCDENR Ecosystem Enhancement Program
2728 Capital Boulevard, Suite 1H 103
Raleigh, NC 27604

Please note that a payment made to NCEEP is not reimbursable unless a request for reimbursement is received within 12 months of the date of the receipt. Any such request must be accompanied by letters from the permitting agencies stating that the permit and/or authorization have been rescinded. If the account name on the check is not the same as the permit holder's name, please include a signed statement by the permit holder that the check is being written on behalf of, and with full knowledge and authorization of, the permit holder.

YOU MUST BE IN POSSESSION OF THE PAYMENT RECEIPT FROM NCEEP PRIOR TO COMMENCING THE ACTIVITIES AUTHORIZED BY THE DEPARTMENT OF ARMY 404 PERMIT AND/OR THE 401 WATER QUALITY CERTIFICATION.

cc: Cyndi Karoly, NCDWQ Wetlands/401 Unit
Lori Beckwith, USACE-Asheville, Thelma Hemmingway, USACE-Wilmington
Rebekah Newton, agent
File

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